

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

A.F., : CASE NO.: 2:23-cv-01241
: :
Plaintiff, : JUDGE SARGUS
: :
vs. : MAGISTRATE JUDGE
: :
ASSOCIATION OF AMERICAN :
MEDICAL COLLEGES :
: :
Defendants. : :

DECLARATION OF A.F.

I, A.F., declare the following under penalty of perjury:

1. I am over 18 years of age and otherwise competent to make this declaration. I have personal knowledge of the facts stated in this declaration, and I am the named Plaintiff in this case.
2. I was diagnosed with anxiety and depression in April of 2017. I am currently on medication for anxiety, depression, and ADHD. The medications are Sertraline and Methylphenidate which I take daily.
3. Attached as Exhibit 1 is a true and accurate copy of a supplemental personal statement I submitted to AAMC.
4. Based on my disability, I have been provided formal and informal accommodations beginning in high school. In high school, I was provided extra time to take tests, the ability to retake tests, and the ability to take a test at a different time than what was regularly scheduled.
5. In college, I was provided formally the accommodation of “extra time” to take tests.
6. Although I have achieved academic success, I have had to work significantly more than others due to my disabilities, including spending more time reading, writing, and studying.
7. On January 14, 2023, I provided information to support my request for accommodations, including “extra time” accommodation as well as breaks. I submitted two letters from a Physician’s Assistant to Dr. Mina Bozak, and my understanding of the letters were adopted by Dr. Bozak.

8. On March 31, 2023, AAMC denied the request for extra time, citing that Dr. Benninger did not perform comprehensive testing, Dr. Benninger's evaluation and report did not reflect that A.F. is substantially limited relative to most people, I have had academic success, and I had previously been provided extra time accommodation informally in high school and formally in college.
9. AAMC's website provides what your evaluator needs to know and provide to support a request for accommodation. I provided and/or directed this information to Dr. Benninger.
10. The process for applying to medical school is as follows: The application opens on May 2, 2023. The earliest you can apply is May 30, 2023. After which, the AMCAS will verify your application and (assuming you apply in the first few days) will complete the verification process by June 30, 2023. In order to be verified by the AMCAS, you have to have an MCAT score available. After you are verified, the individual schools you apply to will possibly send secondary applications. They will send these only after receiving your primary application from AMCAS which occurs only after verification from the AMCAS. Again verification from AMCAS requires an MCAT score. After receiving your secondary application, most schools review them on a rolling basis, and the faster you return them, the earlier you are to be considered for interviews. Interviews are often given on a rolling basis, and there are a limited number of spots for interviews. Therefore, the earlier I apply, the better chance I have of getting accepted. This was discussed in several pre-med advising meetings, both individual and group, which I had at Duke University.
11. It is common knowledge for individuals applying to medical school that the sooner you submit your applications to the schools, the better. That way, I can take full advantage of the rolling admissions process and maximize my odds of getting into medical school.
12. As a result of the tedious process of applying to medical school, complying with the deadlines established by AAMC, and in order to be able to apply to medical school and maximize my odds of getting into medical school, the latest I can take the MCAT is late June.

13. To date, the stress of not receiving the accommodation and being able to take the MCAT with said accommodation in order to apply to medical schools, as set forth above, has resulted in increased anxiety, depression, and my ability to concentrate.

If I cannot take the MCAT by late June with the accommodation, it will cause even more issues with my anxiety, depression, and my ability to concentrate. This will affect me both mentally and physically.

I declare under penalty of perjury that the foregoing is true and correct.


A.F.

This is a supplement to my personal statement to the AAMC which I believe is very detailed. I have struggled with the ability to regulate myself and focus my attention since I was young. In my earliest years, I regularly attended sessions with a reading comprehension specialist because, even as a young child, I could never seem to read as fast as my peers. In my failed attempts to hastily read in a faster manner, I struggled to comprehend any of the material. My teachers in elementary school would get frustrated with me because it would take me twice as long to take notes as the rest of my classmates.

Throughout high school, I would regularly forget to bring important worksheets or my athletic gear for my sports game afterward with me to class. I became known as the person who was always forgetting something – and the secretary office at my school became so familiar with my mom coming at least twice a week to drop off something I forgot. In high school, I remember all of my readings taking me twice as long as my peers. I would sit for at least 12 hours both Saturday and Sunday while my equally successful peers would be out and about on their weekends having fun. I always felt like I was a step behind and required so much additional effort to get to where I needed to be.

In high school, I got diagnosed with anxiety. My inability to focus and deficits in working memory greatly frustrated me and made me anxious as the amount of tasks I had to complete built up. I was highly disorganized and would look track of all the tasks I had to complete, despite my repeated attempts to employ strategies like planners, etc. to organize myself. When taking standardized tests in high school, I would not be able to complete timed tests. I rarely finished more than a half of these tests on test day and would score at lower than my potential.

However, when I would take practice tests in an untimed setting, I would score at a much higher level that was reflective of my true potential. When I have to manage multiple things in my working memory, such as what a passage said, what the question is truly asking, and what the possible answers are, I spend a significant amount of time having to reorient myself to these multiple different aspects, making a singular question take me significantly more time than the average test taker. In retrospect, I realize that it was caused by my disabilities (anxiety and ADHD), and I wish my parents would have tested me earlier, as extra time on these tests would have allowed me to compete on a level playing field and at my true potential.

I struggled throughout college with various time pressured assignments but was fortunate enough to not take any classes my freshman year that were strict on time allowed for testing. However, sophomore year, as tests became more rigorous, time-pressure, and reading heavy, I noticed how significantly my cognitive impairments took a toll on me and my academic performance. I was always honest, open, and communicative with my professors about my disabilities and the Student Disability Access Office at Duke saw it appropriate to give me time and a half and breaks without penalty on all my assessments through college. Additionally, the practice MCATs I have taken also show that I need time and a half, as I struggle to get through almost half of the MCAT, and then I have to blindly guess on the rest of the questions. My inattentiveness makes my anxiety worse which makes test-taking hard.

Currently, I am taking Zoloft and Adzenys XR-ODT.

[REDACTED]